

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Bird River Road, 175' E of the c/l of
Rohe Farm Lane
(10019 Bird River Road)
15th Election District
5th Councilmanic District

Robert G. Clark, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-520-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert G. and Kristen M. Clark. The Petitioners seek relief from Sections 301 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit an open projection (deck) with a rear yard setback of 6 feet in lieu of the minimum required 11.25 feet, and to amend the 6th Amended Final Development Plan of Rohe Farm, Lot 3 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

ORDER RECEIVED FOR FILING

Date

By

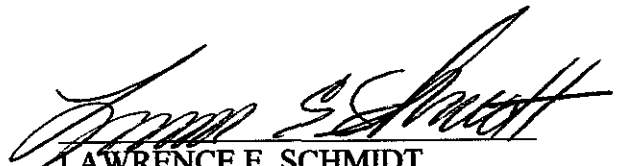
Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 1999 that the Petition for Administrative Variance seeking relief from Sections 301 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit an open projection (deck) with a rear yard setback of 6 feet in lieu of the minimum required 11.25 feet, and to amend the 6th Amended Final Development Plan of Rohe Farm, Lot 3 thereof,, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
DATE 7/30/99
BY [signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 30, 1999

Mr. & Mrs. Robert G. Clark
10019 Bird River Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Bird River Road, 175' E of the c/l Rohe Farm Lane
(10019 Bird River Road)
15th Election District - 5th Councilmanic District
Robert G. Clark, et ux - Petitioners
Case No. 99-520-A

Dear Mr. & Mrs. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10019 BIRD RIVER RD
which is presently zoned D.R.Z.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301, 504 (BCZR) CMDP V.B.6.b

TO PERMIT AN OPEN PROJECTION DECK WITH A REAR
YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED
11.25 FEET. AND TO AMEND THE 6TH AMENDED
F.D.P. OF ROHE FARM, LOT 3.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 13th day of July, 1998, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By LTN JRP

Date 6/23/99

Estimated Posting Date 7/4/99

CASE NO. 99-520-A

Date 9/15/98
By EV

ORDER RECEIVED FOR FILING

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10619 BIRD RIVER RD
Address
BALTIMORE MD 21220-1508
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

WE WOULD LIKE TO BUILD A DECK BEHIND OUR HOME

THE DECK'S DIMENSIONS ARE 10' x 20'

THE SPACE LEFT BETWEEN OUR DECK AND OUR NEIGHBORS PROPERTY
WILL BE 6'

- WE ARE INCREASING OUR SAFE LIVING SPACE AND BECAUSE OF EXISTING
PLACEMENT OF HOUSE, WE ARE KINDLY ASKING FOR THIS VARIANCE

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. SIGNATURE IS VALID (LTM)

Robert G. Clark
Signature
ROBERT G. CLARK
Name - Type or Print

Kristen M. Clark
Signature
KRISTEN M. CLARK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert G. Clark
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS-WITNESS my hand and Notarial Seal

June 18, 1999
Date

Sharon J. Lavenport
Notary Public
MY COMMISSION EXPIRES APRIL 30, 2002
My Commission Expires _____

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10019 BIRD RIVER RD
Address
BALTIMORE MD 21220-1500
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- WE WOULD LIKE TO BUILD A DECK BEHIND OUR HOME
- THE DECK'S DIMENSIONS ARE 10' x 20'
- THE SPACE LEFT BETWEEN OUR DECK AND OUR NEIGHBORS PROPERTY WILL BE 6'.
- WE ARE INCREASING OUR SAFE LIVING SPACE AND BECAUSE OF EXISTING PLACEMENT OF HOUSE, WE ARE KINDLY ASKING FOR THIS VARIANCE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

SIGNATURE IS VALID (LTM)

Robert G. Clark
Signature
ROBERT G. CLARK
Name - Type or Print

Kristen M. Clark
Signature
KRISTEN M. CLARK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert G. Clark
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

June 18, 1999
Date

Sharon J. Lavenport
Notary Public
MY COMMISSION EXPIRES APRIL 30, 2002
My Commission Expires _____



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10019 BIRD RIVER RD
which is presently zoned D.R.2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301, 504 (BCZR) CMDPV.3.6.0

TO PERMIT AN OPEN PROJECTION DECK WITH A REAR YARD
SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 11.25 FEET.
AND TO AMEND THE 6TH AMENDED F.D.P. OF
ROHE FARM, LOTS.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

ROBERT G. CLARK
Name - Type or Print _____
Signature Robert G. Clark _____
KRISTEN M. CLARK
Name - Type or Print _____
Signature Kristen M. Clark _____
10019 BIRD RIVER RD (410) 238 6098 (H)
Address _____ Telephone No. (202) 687 6297 (W)
BALTIMORE MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

SEE
Name _____
ABOVE
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-520-A

Reviewed By CTM/JRF

Date 6/23/99

R20 9/15/98

Estimated Posting Date 7/4/99

ZONING DESCRIPTION FOR 10019 Bird River Road

Beginning at a point on the South side of **Bird River Road** which is **70** feet wide at the distance of **175** feet east of the centerline of **Rohe Farm Lane**. Being **Lot #3, Section #1** in the subdivision of **Rohe Farm** as recorded in the Baltimore County Plat Book **#SM64 Folio #69** containing **5,360 square feet**. Also known as **10019 Bird River Road** and located in the **15th** Election District, **5th** Councilmanic District.

99-520-A

520

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 06996

DATE 6/22/99 ACCOUNT RC016150

AMOUNT \$ 100.00

RECEIVED FROM: ROBERT G. CLARK

FOR: 0106640 ADMINISTRATIVE

VARIANCE AND AWARD F.R.F.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
6/23/1999 6/23/1999 09:57:46
REG 0805 CASHIER WSTE REG DRAM R 5
DEPT 5 528 ZONING VERIFICATION
Receipt # 108279
CR NO. 089905
Receipt Tot 100.00
100.00 CR
Baltimore County, Maryland

99.520-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-520-A
PETITIONER/DEVELOPER:
(Robert G. Clark)
DATE OF Closing
(July 19, 1999)

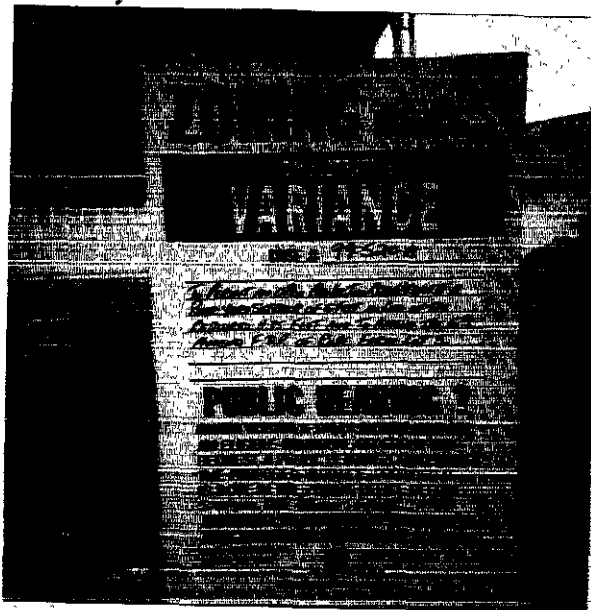
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
10019 Bird River Road Baltimore , Maryland 21220_____

The sign(s) were posted on _____ 7-2-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410) 687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 520 -A Address 10019 BIRD RIVER RD

Contact Person: JUN FERNANDO, LLOYD MEXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/23/99 Posting Date: 7/4/99 Closing Date: 7/19/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 520 -A Address 10019 BIRD RIVER RD

Petitioner's Name ROBERT G. CLARK Telephone (410) 238 6048

Posting Date: 7/4/99 Closing Date: 7/19/99

Wording for Sign: To Permit AN OPEN PROJECTION DECK WITH A REAR
YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 11.25 FEET
AND TO AMEND THE 6TH AMENDED F.D.P. OF
ROHE FARM, LOT 3.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-520-A
Petitioner: ROBERT G. CLARK
Address or Location: 10019 BIRD RIVER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT G. CLARK
Address: 10019 BIRD RIVER RD
BALTIMORE MD 21220
Telephone Number: (410) 238 6048

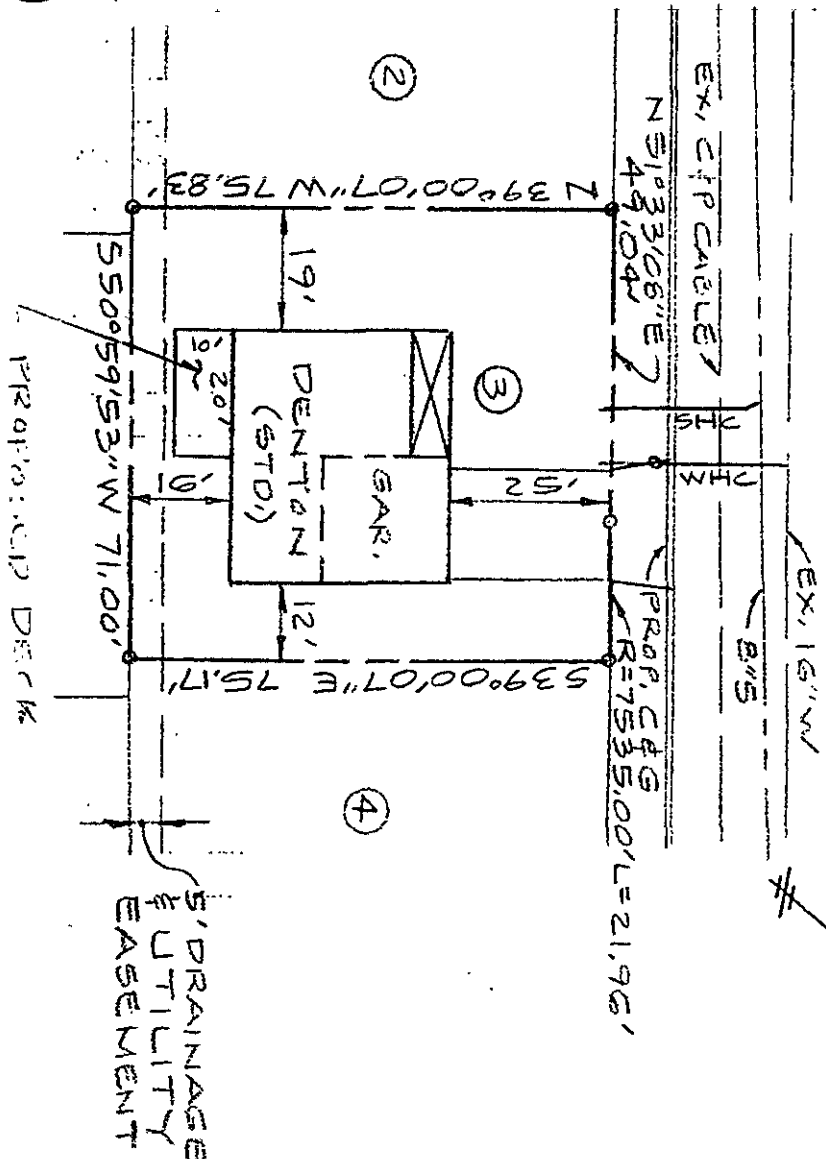
Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 10019 BIRD RIVER RD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
 plat book# 69, lot# 3, section# 1
 OWNER: _____

BIRD RIVER ROAD
 (FUT. 70' R/W)



North
 date: 6-17-99
 prepared by: _____
 Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Vicinity Map
 North
 Scale: 1" = 1000'

Election District: 15
 Councilmanic District: 5

1" = 200' scale map#: NE 6-1

Zoning: DR 2

Lot size: 0.12 ± 5360 ±
 acreage square feet

Public Private
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

AV
7/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 13, 1999

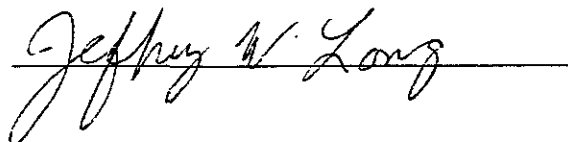
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 502, 514, 520, and 524

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

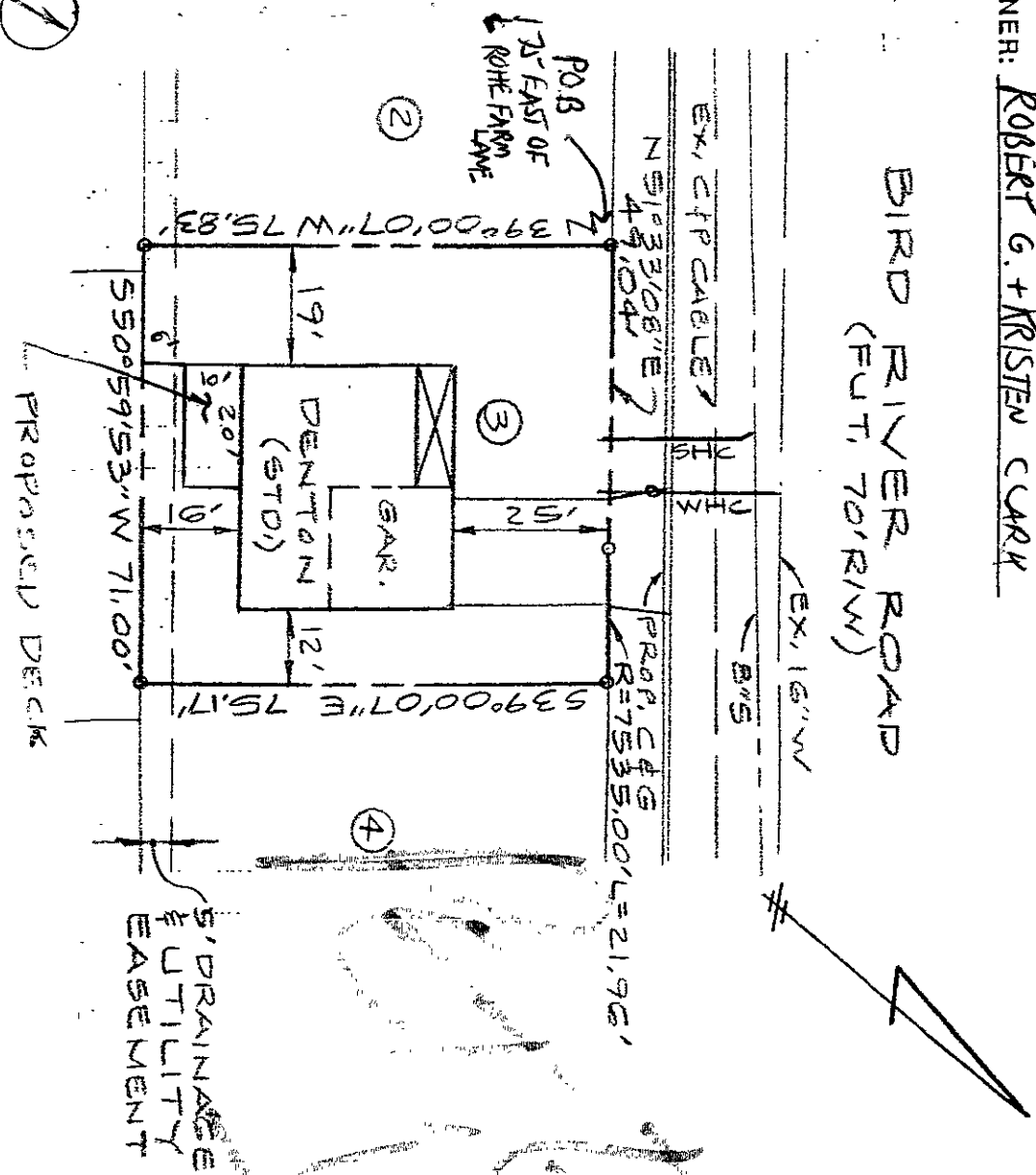
PROPERTY ADDRESS: 10019 BIRD RIVER RD

Subdivision name: ROHE SUBDIVISION FARM

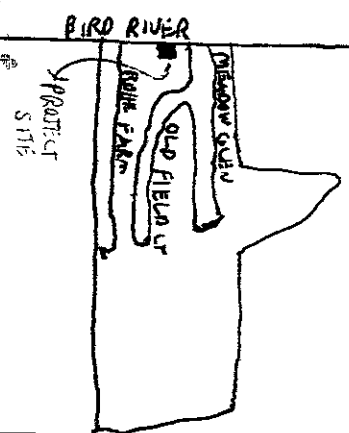
plat book # 64, folio # 69, lot # 3, section # 1

OWNER: ROBERT G. + KRISTEN CARR

see pages 5 & 6 of the CHECKLIST for additional required information



North
date: 6-17-99
prepared by: R. CARR
Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Election District: 1 S
Councilmanic District: 5

1" = 200' scale map: NE 6-1

Zoning: DR 2
Lot size: 0.121 acreage 5360± square feet

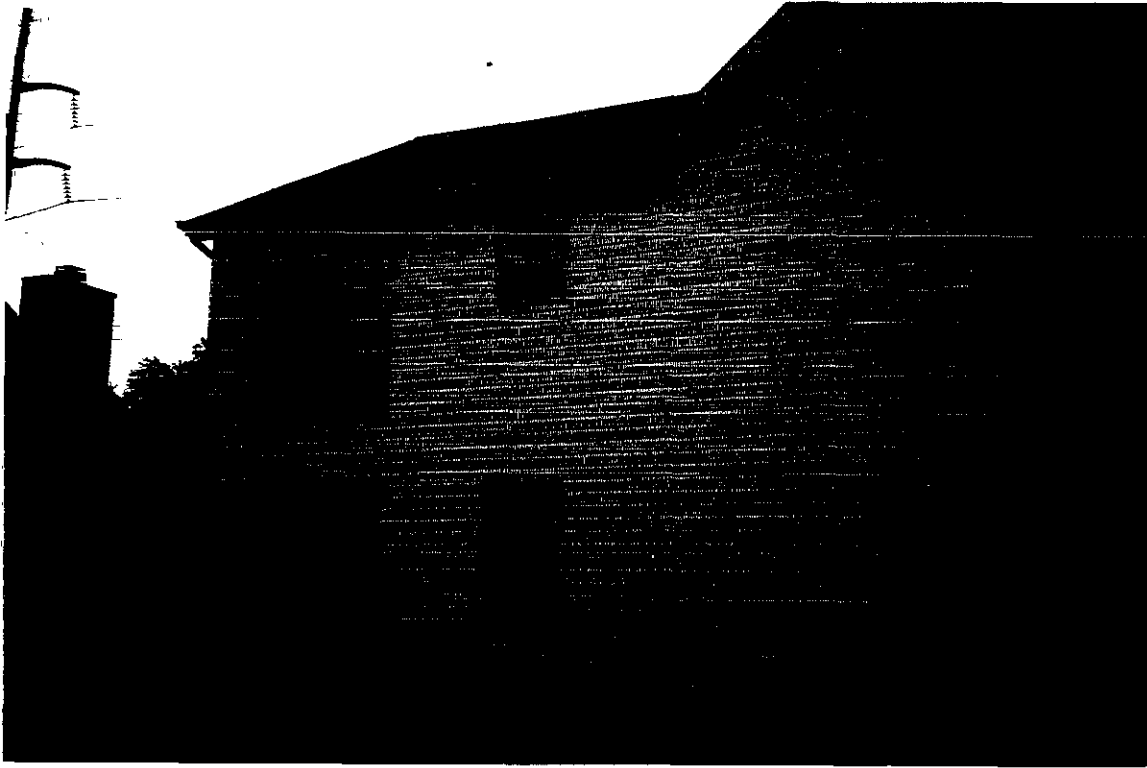
SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: 95-121 A-10-1

Zoning Office USE ONLY!

reviewed by: CTM ITEM #: 520 CASE #: 99-520-A
JRC

99.520.A



↑ PROPOSED SITE



SIDE VIEW OF PROPOSED SITE

99-520-A

520



NEXT DOOR HOUSE -DECK AND CLOSENESS TO NEIGHBOR

99-520-A

520



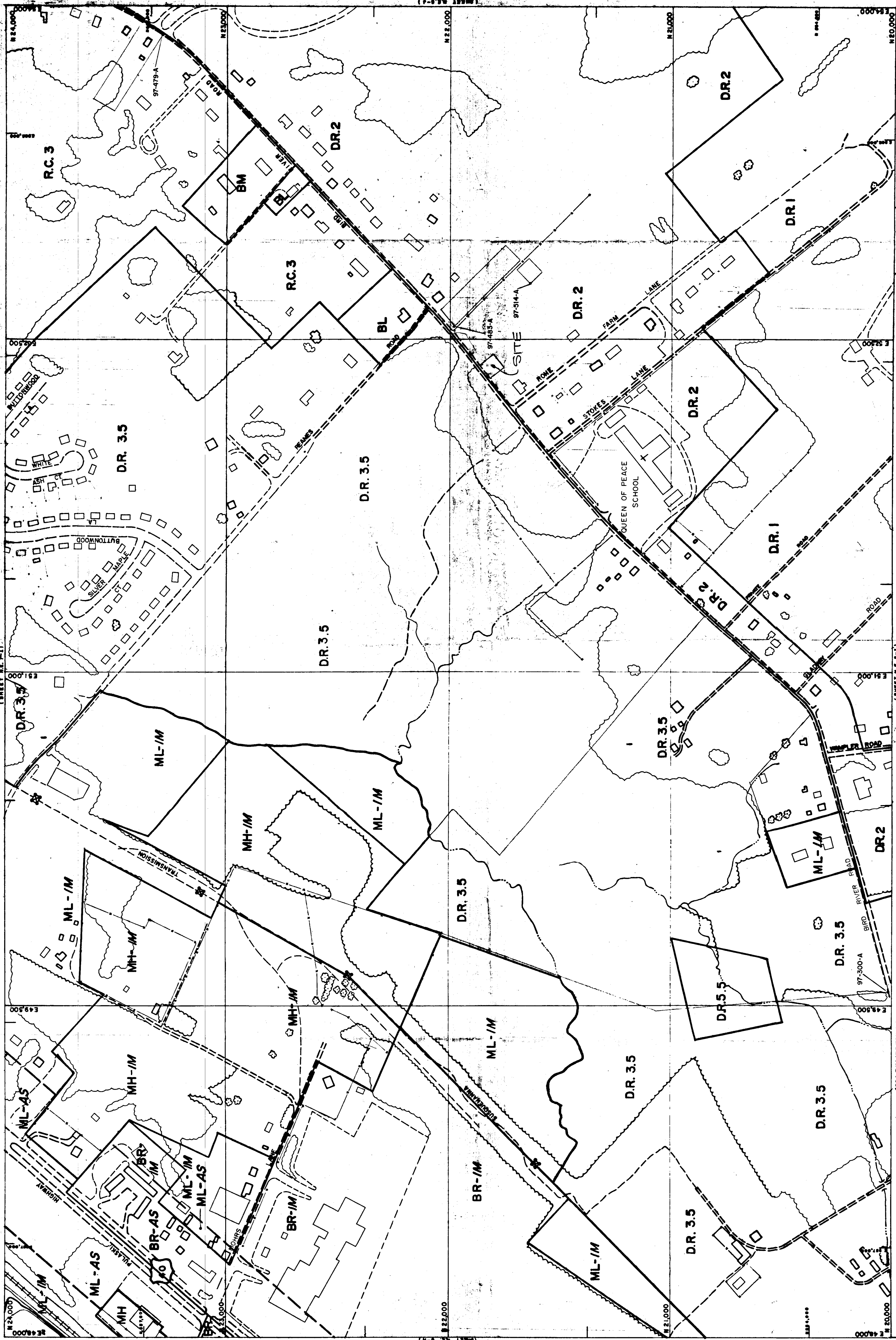
M-SE
I-NE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

44-520-A

520

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
7-1-50	7-1-50	1" = 200'	MIDDLE RIVER VICINITY	NE 6-1
Topography Compiled by Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.				



1996 COMPREHENSIVE ZONING MAP ADOPTED BY THE BALTIMORE COUNTY COUNCIL OCTOBER 5, 1996 Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96		BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 520		LOCATION MIDDLE RIVER VICINITY		SCALE 1" = 200' ±		DATE OF PHOTOGRAPHY JANUARY 1986	
M - SE 1 - NE		THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210		OFFICIAL ZONING MAP 99-520.A		SHEET NE 9-1			